

January 16, 2015

**VIA ECF AND FIRST CLASS MAIL**

The Honorable Gabriel W. Gorenstein  
United States Magistrate Judge, S.D.N.Y.  
United States Courthouse  
500 Pearl Street, Courtroom 6B  
New York, New York 10007-1312

**RE: *Penshurst Trading Inc. d/b/a Juliska v. Zodax L.P.*,  
C.A. No. 14-cv-02710 (RJS)(GWG) (SDNY)**

**Request for Settlement Conference**

Dear Judge Gorenstein:

We represent Plaintiff Penshurst Trading Inc. d/b/a Juliska ("Juliska") in the above-referenced civil action. Please accept this letter as Juliska's request for the Court to schedule a settlement conference between Juliska and Defendant Zodax L.P. ("Zodax").

As background, Your Honor conducted a settlement conference in this action on August 14, 2014. *See Dkts. 37-8, 41.* The parties' settlement negotiations at the August 14 conference focused largely on Juliska's trademark and trade dress infringement claims in the original Complaint. *See Dkt. 1.* After the August 14 conference, Juliska applied for U.S. copyright registrations covering four (4) of its glassware items. Juliska then filed an Amended Complaint on November 12, 2014, to include a copyright infringement claim against Zodax. *See Dkt. 55.* On December 15, 2014, the U.S. Copyright Office granted Juliska copyright registrations covering each of Juliska's glassware items asserted in the Amended Complaint. Discovery in this action is ongoing.

Since Juliska filed its Amended Complaint in November 2014, the parties have negotiated in good faith to resolve this dispute. However, the parties' settlement negotiations are at an impasse. Nonetheless, Juliska reasonably believes that with Your Honor's assistance the parties can reach a mutually-agreeable settlement of this dispute. Accordingly, Juliska respectfully requests that a settlement conference be scheduled at the Court's earliest available date and time.

Respectfully submitted,



Michelle Mancino Marsh

cc: All Counsel of Record (*via ECF*)